

Amendments to House Bill No. 261
1st Reading Copy

Requested by Representative Mike Jopek

For the House Natural Resources Committee

Prepared by Krista Lee Evans
February 7, 2007 (12:36pm)

1. Title, page 1, line 4 through line 10.

Strike: "REQUIRING" on line 4 through "RULES" on line 10

Insert: "REQUIRING THE BOARD OF DENTISTRY TO DEVELOP A MERCURY REDUCTION PLAN; PROVIDING THE BOARD OF DENTISTRY WITH RULEMAKING AUTHORITY TO REDUCE MERCURY POLLUTION; AMENDING SECTION 37-4-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 14 through page 4, line 25.

Following: line 13

Strike: everything after the enacting clause

Insert: "Section 1. Section 37-4-205, MCA, is amended to read:

"37-4-205. **Rulemaking.** The board may adopt, amend, or repeal rules necessary for the implementation, continuation, and enforcement of this chapter in accordance with the Montana Administrative Procedure Act. Rules adopted under this section may include but are not limited to the following subjects:

(1) the practice of dentistry or oral surgery involving the administration of anesthetics; and

(2) reducing the disposal of mercury and mercury-related products used in dental procedures into public wastewater systems; and

~~(2)~~ (3) advertising by a licensed dentist including:

(a) the use of false, deceptive, or misleading advertising;

(b) the use of information concerning fees, areas of practice, specialization, personal background, and quality of service in advertising; and

(c) the use of warnings and disclaimers in advertising."

{ Internal References to 37-4-205: None. }

Insert: "NEW SECTION. **Section 2. Mercury reduction plan.** (1)

The board shall work with dentists and other interested parties to develop a mercury reduction plan for mercury and mercury-related products used in or resulting from dental procedures.

(2) The mercury reduction plan must:

(a) focus on dental procedures that result in mercury or mercury-related products being disposed of in a public wastewater system;

(b) address recycling of mercury and the mixture of silver and mercury known as dental amalgam;

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(c) include options and strategies for reducing the amount of mercury reaching public wastewater systems by requiring dental offices to capture the following percentages:

- (i) 50% by 2010;
- (ii) 75% by 2012; and
- (iii) 95% by 2016.

(3) The board may consult with any state or federal agency or any dental association in developing the mercury reduction plan."

Insert: "NEW SECTION. Section 3. Mercury reduction plan report. The board shall, as provided in 5-11-210, submit the mercury reduction plan to the environmental quality council on or before September 1, 2008."

"NEW SECTION. Section 4. {standard} Codification instruction. [Sections 2 and 3] are intended to be codified as an integral part of Title 37, chapter 4, part 2, and the provisions of Title 37, chapter 4, part 2, apply to [sections 2 and 3].

Insert: "NEW SECTION. Section 5. {standard} Effective date. [This act] is effective on passage and approval."

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